

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
BIG STONE GAP DIVISION**

**SOUTHERN APPALACHIAN  
MOUNTAIN STEWARDS, ET AL.,**

Plaintiffs,

V.

**A & G COAL CORPORATION,**

Defendant.

$$\begin{array}{c} ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \end{array}$$

Case No. 2:12CV00009

## ORDER

By: James P. Jones  
United States District Judge

Plaintiffs' Motion for an Award of Attorneys' Fees and Expenses was filed on August 5, 2013, and has been fully briefed by the parties. Defendant has since noted an appeal of the court's order granting injunctive relief, which appeal is pending. No. 13-2050 (4th Cir. Aug. 22, 2013) (appeal docketed).

While it appears that an award may be appropriate in this case at the proper time, in the light of the appeal, and in the interest of judicial economy, I will deny the motion without prejudice to its reassertion upon conclusion of the appeal. *See Rum Creek Coal Sales, Inc. v. Caperton*, 971 F.2d 1148, 1155 (4th Cir. 1992); *CSX Transp., Inc. v. Peirce*, No. 5:05CV202, 2013 WL 5375983, at \*3 (N.D.W. Va. Sept. 25, 2013).

Accordingly, it is **ORDERED** that Plaintiff's motion (ECF No. 78) is DENIED WITHOUT PREJUDICE.

ENTER: October 15, 2013

/s/ James P. Jones  
United States District Judge